

REMARKS

The Applicants and their representative first wish to thank Examiner Bullock for accepting the declarations filed with the response to the Office Action of October 19, 2004.

Applicants further thank Examiner Bullock for pointing out that Applicants inadvertently listed cancelled claims 25-30 in the reply to the Restriction Requirement of June 28, 2004. Applicants correct this oversight with the present Response. Accordingly, claims 1, 7-24 and 31-35 are currently pending.

Applicants submit herewith formal drawings in response to the request appearing in the Office Action mailed July 27, 2005 ("Office Action").

The Office Action has been received and carefully considered. The Office Action rejects claims 1, 7, 15 and 31-35 under 35 U.S.C. § 102(b) as allegedly being anticipated by Dougliis and Ball, Tracking and Viewing Changes on the Web ("Dougliis"), rejects claim 12 under 35 U.S.C. § 103 as allegedly being obvious over Dougliis, and rejects claims 8-11, 13, 14 and 16-24 under 35 U.S.C. § 103 as allegedly being obvious over Dougliis in view of U.S. Patent No. 6,253,239 to Shklar *et al.* ("Shklar"). These rejections are hereby respectfully traversed. Reconsideration of claims 1, 7-24 and 31-35 in the present application is respectfully requested based on the following remarks.

I. Claim 1

Applicants respectfully traverse the rejection of claim 1 and all claims dependant thereon as detailed below.

A. Dougliis Fails To Disclose “Identifying A Predefined Structural Location ... Based Upon A Structural Location Of Target Content Identified In A Previous Version Of Data Retrieved From The Target Source”

Claim 1 recites “identifying a predefined structural location ... based upon a structural location of target content identified in a previous version of data retrieved from the target source.” Dougliis fails to disclose this limitation.

The present invention as claimed identifies a content location based upon a previous location of selected content. For example, a user might be interested only in headlines in the content of particular website. *See* Specification, page 14. The user identifies the location of the headlines by, for example, highlighting the text and activating a portion of the invention. *See* Specification, page 12. The invention then retrieves subsequent headlines based upon the location of previously-identified content. *See* Specification, page 16. Thus, the invention as recited in claim 1 uses a prior identification of content location in order to subsequently retrieve potentially changing content from an analogous location.

Dougliis, by contrast, fails to identify a selected structural location based on a previously-defined location of target content. Moreover, Dougliis fails to disclose any identification of a structural location. At most, Dougliis discloses retrieving an entire web page and producing what is essentially a red-line comparison of the entire document. *See* Dougliis, Fig. 2. Dougliis recognizes that such a red-line comparison can be difficult to read due to the avalanche of data contained in an entire web page. *See* Dougliis, page 8, Section 5.3. The present invention solves the problem that Dougliis leaves open by identifying only a selected location of a portion of data,

and retrieving content from that location only. In sum, Dougliis does not disclose identifying the location of a portion of content in order to subsequently retrieve a portion of content at that location.

Under 35 U.S.C. § 102, anticipation requires that a prior art reference disclose each and every element of the claimed invention. *In re Sun*, 31 USPQ2d 1451, 1453 (Fed. Cir. 1993) (unpublished). MPEP § 2131, quoting *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987), reinforces this principle: “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Because Dougliis fails to disclose identifying a location “based upon a structural location of target content identified in a previous version of data retrieved from the target source,” Applicants respectfully request that the rejections of claim 1 and all claims dependent thereon be withdrawn.

B. Dougliis Fails To Disclose Retrieving “Potentially Changing Target Content”

Claim 1 recites “retriev[ing] potentially changing target content from the target source.” Dougliis fails to disclose this limitation.

Dougliis is completely incapable of retrieving potentially changing content based upon a location of the previous version of the content. Dougliis is instead directed to producing essentially a red-line comparison of an entire web page. In order for Dougliis to highlight any content, the changes must have already occurred. Dougliis has no provision for identifying potentially changing content.

Under 35 U.S.C. § 102, anticipation requires that a prior art reference disclose each and every element of the claimed invention. *In re Sun* (Fed. Cir. 1993); *Verdegaal Bros. v. Union Oil Co. of California* (Fed. Cir. 1987); MPEP § 2131 (“A claim is anticipated only if each and

every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.”) Because Dougkis fails to disclose retrieving “potentially changing target content from the target source,” Applicants respectfully request that the rejections of claim 1 and all claims dependent thereon be withdrawn.

II. Claim 8

Applicants respectfully traverse the rejection of claim 8 and all claims dependant thereon as detailed below.

A. Neither Dougkis Nor Shklar Disclose Reformatting “Extracted Target Content Into A Common Format”

Claim 8 recites “extracting target content into a common format.” Neither Shklar nor Dougkis disclose this limitation.

The Examiner points to Dougkis’ “using the htmldiff to parse the extracted content to determine if it is different from the past content.” Office Action, page 7. With respect, parsing is not extracting into a common format. Parsing generally requires only scanning a string of data for certain structural or grammatical features. Parsing does not require any change of format, instead, it is a type of analysis that leaves the format unchanged. Applicants respectfully traverse any characterization of “parsing” as reformatting extracted target content into a common format.

Moreover, Shklar teaches away from reformatting retrieved data into a common format. Shklar explicitly requires that its data be stored in an unaltered format:

It is an object of the present invention to provide a system that analyzes and pre-indexes stored data without altering the data... This is accomplished without relocating the original data, by analyzing the data in its existing format... The data thus remains in its original location and format...

Shklar, column 2, lines 6-29 (emphasis added). This requirement of Shklar does violence to the limitation of claim 8 that requires:

reformat[ing] the extracted target content into a common format

Thus, Shklar is diametrically opposed to the limitation of claim 8 that states that the data is reformatted into a common format, as opposed to being kept in “its existing format,” as required by Shklar. As such, Shklar cannot properly be used in any combination that purports to meet the limitations of claim 8.

An allegation of obviousness under 35 U.S.C. § 103 requires that all the claim limitations be taught or suggested in the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). MPEP § 2143 reinforces this principle: “[T]he prior art reference (or references when combined) must teach or suggest all the claim limitations.” Because the cited references fail to disclose “extracted target content into a common format,” Applicants respectfully request that the rejections of claim 8 and all claims dependant thereon be withdrawn.

B. Shklar Is Not Prior Art With Respect To A “Publication Template”

Claim 8 recites a “publication template.” As the Examiner concedes, Douglass fails to disclose this limitation. *See* Office Action, pages 7-8. Moreover, Shklar is not prior art with respect to this limitation.

Shklar was filed on November 9, 1999 as a continuation-in-part of an application that was filed on September 23, 1997. Because Shklar is a continuation *in part*, unless the Patent Office can show that the material in Shklar was present in the parent application, Shklar is only entitled to a priority date of November 9, 1999. Moreover, because Applicants have previously submitted declarations evidencing that the present invention was reduced to practice well before

November 9, 1999, material present in Shklar but not its parent is not prior art for the present claims.

The Examiner relies on Shklar for a disclosure of a “publication template.” With respect, Applicants assert that Shklar is entitled to a priority date of November 9, 1999 at the earliest for this limitation. That is, there is no disclosure of any type of “publication template” in the parent application of Shklar. The parent application, now patent No. 5,983,267 (“Parent”) does not even contain the term “template.” Indeed, the portions of Shklar that discuss a “template,” namely, column 2, line 50 - column 3, line 36, do not appear at all in the Parent.

A *prima facie* case of obviousness under 35 U.S.C. § 103 requires that all the claim limitations be taught or suggested in the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). MPEP § 2143 reinforces this principle: “[T]he prior art reference (or references when combined) must teach or suggest all the claim limitations.” Because the only reference that qualifies as prior art, Douglass, fails to disclose a “publication template,” Applicants respectfully request that the rejections of claim 8 and all claims dependant thereon be withdrawn.

C. Shklar Teaches Away From Claim 8

Shklar teaches away from the invention as recited in claim 8. Shklar is incompatible with claim 8 and therefore may not be used in a combination rejection of the same. As discussed above in section II(A), Shklar explicitly requires that its data be stored in an unaltered format. For example, Shklar states that “It is an object of the present invention to provide a system that analyzes and pre-indexes stored data without altering the data... This is accomplished without relocating the original data, by analyzing the data in its existing format.” Shklar, column 2, lines 6-99 (emphasis added). This requirement of Shklar is completely irreconcilable with the limitation of claim 8 that requires “reformat[ing] the extracted target content into a common

format.” As such, Shklar teaches away from the present invention and may not properly be used in a combination rejection of claim 8 and claims dependant thereon.

III. Claim 15

Applicants respectfully traverse the rejection of claim 15 and all claims dependant thereon as detailed below.

A. Dougkis Fails To Disclose An “Autonomous Agent”

Claim 15 recites an “autonomous agent.” Dougkis fails to disclose this limitation.

The Examiner points to Dougkis’ disclosure of *w3newer* as allegedly meeting the limitation of “autonomous agent.” With respect, Applicants maintain that *w3newer* is not autonomous. Indeed, Dougkis itself discloses that “*w3newer* is invoked directly by the user.” See Dougkis, page 9. Such a characterization is at odds with the limitation requiring an “autonomous agent.”

Under 35 U.S.C. § 102, anticipation requires that a prior art reference disclose each and every element of the claimed invention. *In re Sun* (Fed. Cir. 1993); *Verdegaal Bros. v. Union Oil Co. of California* (Fed. Cir. 1987); MPEP § 2131 (“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.”) Because the cited references fail to disclose an “autonomous agent,” Applicants respectfully request that the rejection of claim 15 and all claims dependent thereon be withdrawn.

B. Dougkis Fails To Disclose Reformatting “Extracted Target Content Into A Common Format”

Claim 15 recites “extracting target content into a common format.” Dougkis fails to disclose this limitation.

This limitation is discussed above in reference to claim 8. Applicants request that the Examiner kindly turn to Section II(A), which is incorporated by reference herein, with respect to this feature.

Under 35 U.S.C. § 102, anticipation requires that a prior art reference disclose each and every element of the claimed invention. *In re Sun* (Fed. Cir. 1993); *Verdegaal Bros. v. Union Oil Co. of California* (Fed. Cir. 1987); MPEP § 2131 (“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.”) Because Dougkis fails to disclose an “extracting target content into a common format,” Applicants respectfully request that the rejections of claim 15 and all claims dependent thereon be withdrawn.

IV. Claim 31

Applicants respectfully traverse the rejection of claim 31 and all claims dependant thereon as detailed below.

A. Dougkis Fails To Disclose “Identifying A Target Content Within The Target Document”

Claim 31 recites “identifying a target content within the target document.” Dougkis fails to disclose this limitation.

Nowhere does Dougkis disclose identifying a target content within a target document. Indeed, Dougkis discloses always blindly retrieving the entire content of any web page. *See* Dougkis, Fig. 2. Dougkis fails to disclose identification of a portion of a web page as required by the claim limitation under discussion. As such, Dougkis cannot properly be relied upon as meeting the limitation of “identifying a target content within the target document.”

Under 35 U.S.C. § 102, anticipation requires that a prior art reference disclose each and every element of the claimed invention. *In re Sun* (Fed. Cir. 1993); *Verdegaal Bros. v. Union*

Oil Co. of California (Fed. Cir. 1987); MPEP § 2131 (“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.”) Because Dougliis fails to disclose an “identifying a target content,” Applicants respectfully request that the rejections of claim 31 and all claims dependent thereon be withdrawn.

B. Dougliis Fails to Disclose Using Stored Agent Information To Locate A Structural Location Of Target Content In A Subsequent Version Of A Target Document

Claim 31 recites “storing a description of the structural location of the target content as agent information; downloading a subsequent version of the target document from the remote computer and locating the structural location of the target content within the target document using the agent information.” Dougliis fails to disclose this limitation.

As discussed above, Dougliis fails to disclose locating any structural location of target content. Instead, Dougliis discloses always comparing an entire web page’s content with another entire web page’s content. Dougliis never suggests, considers, discusses, or refers in any way to locating a structural location of content within an web page. As such, Dougliis cannot be relied upon to meet “storing a description of the structural location of the target content as agent information; downloading a subsequent version of the target document from the remote computer and locating the structural location of the target content within the target document using the agent information.”

Under 35 U.S.C. § 102, anticipation requires that a prior art reference disclose each and every element of the claimed invention. *In re Sun* (Fed. Cir. 1993); *Verdegaal Bros. v. Union Oil Co. of California* (Fed. Cir. 1987); MPEP § 2131 (“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a

single prior art reference.”) Because Dougkis fails to disclose “storing a description of the structural location of the target content as agent information [and] downloading a subsequent version of the target document from the remote computer and locating the structural location of the target content within the target document using the agent information,” Applicants respectfully request that the rejections of claim 31 and all claims dependent thereon be withdrawn.

V. Conclusion

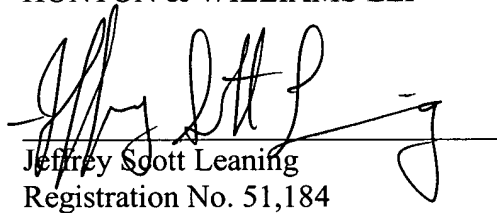
In view of the foregoing, it is respectfully submitted that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number, in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

Applicant believes that no fee is required for entry of the present Reply. Nevertheless, in the event that a variant exists between the amount tendered and that determined by the U.S. Patent and Trademark Office to enter this Reply or to maintain the present application pending, please charge or credit such variance to the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,

HUNTON & WILLIAMS LLP

By:


Jeffrey Scott Leaning
Registration No. 51,184

Dated: October 20, 2005

Hunton & Williams LLP
Intellectual Property Department
1900 K Street, N.W., Suite 1200
Washington, DC 20006-1109
(202) 955-1500 (telephone)
(202) 778-2201 (facsimile)

JSL:mia